

February 8 2010

Ed Smith
CLERK OF THE SUPREME COURT
STATE OF MONTANA

FILED

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Ed Smith
CLERK OF THE SUPREME COURT
STATE OF MONTANA

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Attorney for Defendant and Appellant,
JAMES R. MOSTI

IN THE SUPREME COURT OF THE STATE OF MONTANA**Supreme Court Cause No. DA 09-0505****CACV OF COLORADO, LLC,****Plaintiff and Appellee,****vs.****JAMES R. MOSTI,****Defendant and Appellant.****UNOPPOSED MOTION
FOR EXTENSION OF TIME**

COMES NOW the Defendant and Appellant, JAMES R. MOSTI, by and through his attorney of record, and respectfully moves the above-entitled Court for an Order extending the deadline within which to file his Opening Brief for a period of thirty days from the date of the parties mediation in this matter.

This Motion is made for and on the grounds that the parties to this action are also parties to a class action, to wit: *Cole, et al. v. Portfolio Recovery Associates, LLC, et al.*, U.S District Court Cause No. DV-08-036-GF (Great Falls Division), wherein a settlement agreement has been filed and is scheduled for a final hearing on March 19, 2010 for necessary court approval. If the settlement is approved, it will resolve the issues of this action.

Counsel for Defendants and Appellees to this appeal have been contacted and do not have an objection to the granting of this Motion.

DATED: February 1, 2010.

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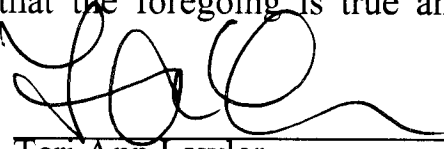

James D. Moore
Attorney for Appellant

CERTIFICATE OF SERVICE

I hereby certify that I have filed a true and accurate copy of the foregoing AMENDED NOTICE OF APPEAL with the Clerk of the Montana Supreme Court; and that I have served true and accurate copies of the foregoing NOTICE OF APPEAL upon the Clerk of the District Court, each attorney of record, and each party not represented by an attorney in the above-referenced district Court action, as follows:

Steven M. Johnson
CHURCH, HARRIS, JOHNSON & [☒] U.S. Mail (first class postage)
WILLIAMS, P.C. [] Hand Delivery
21 Third Street North, 3rd Floor [] Other
P.O. Box 1645
Great Falls, MT 59403-1645
Attorney for Plaintiff/Appellee

I declare under penalty of perjury that the foregoing is true and correct.
Executed on February 4, 2010.


Teri Ann Lawler
Paralegal